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PATENT

(Practitioner's Docket No. IN- 5550)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Lutz-Werner GROSS et al.

Serial No.: 10/030,307

Group Art Unit: not yet assigned

Filed: January 4, 2002

Examiner: not yet assigned

For: Aqueous Coating Substance, Method For Its Production And Its Use

Assistant Commissioner of Patents
Washington, D.C. 20231CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the following PAGES are being facsimile transmitted to the Patent and Trademark Office fax No.: (703) 872-8310 on the date shown below.

- (X) Communication For Submitting the English Translation
Of The International Preliminary Examination Report
In Triplicate

03 Pages

- (X) English Translation Of The International Preliminary
Examination Report

05 Pages

Total Pages

08 Pages

Date: March 20, 2002

Sandra Barry

(Typed or printed name of person signing certification)

Sandra Barry
Signature

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Sandra Berry
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**COMMUNICATION FOR SUBMITTING THE ENGLISH TRANSLATION OF THE
INTERNATIONAL PRELIMINARY EXAMINATION REPORT**

Hon. Assistant Commissioner for Patents
Washington, DC 20231

Sir:

Submitted herewith is a copy of the English Translation of the International
Preliminary Examination Report for the above-mentioned patent application.

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Applicant believes that no fee is required for submitting the English Translation of the
International Preliminary Examination Report. However, if applicant has inadvertently
overlooked the need for a fee the Commissioner is hereby authorized to charge any
additional fees or credit any overpayment to Deposit Account No. 23-3425.

This form is submitted in triplicate.

Respectfully Submitted,

Michael F. Morgan
Michael F. Morgan

Registration No. 42,906

Date: March 20, 2002
BASF Corporation
26701 Telegraph Road
Southfield, Michigan 48034-2442
(248)-948-2355

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP00/06286

I. Basis of the report

1. With regard to the elements of the international application:*

☐ the international application as originally filed☒ the description:

pages 1-59, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

☒ the claims:

pages 1-16, as originally filed
 pages _____, as amended (together with any statement under Article 19
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

☐ the drawings:

pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

☐ the sequence listing part of the description:

pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item. These elements were available or furnished to this Authority in the following language _____, which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
☐ the claims, Nos. _____
☐ the drawings, sheets/fig. _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

Form PCT/ISA/409 (Box I) (July 1998)

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/EP 00/06286V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1 - 16	YES
	Claims		NO
Inventive step (IS)	Claims	1 - 16	YES
	Claims		NO
Industrial applicability (IA)	Claims	1 - 16	YES
	Claims		NO

2. Citations and explanations

The present invention

The present invention pertains to an aqueous coating substance containing

- (A) a specific polyester,
- (B) a water-soluble or water-dispersible polyurethane acrylate,
- (C) an aminoplast resin and
- (D) a pigment and/or filler.

The invention also pertains to a method for preparing the coating substance, the use of the coating substance as a lacquer, a method for preparing lacquers, the resulting lacquers and a substrate containing the lacquers.

Citations

This report makes reference to the following documents:

- D1: DE-A-197 05 219 (BASF COATINGS) 13 August 1998
(1998-08-13) mentioned in the application
- D2: EP-A-0 590 484 (BASF) 6 April 1994 (1994-04-06)

Novelty and inventive step (PCT Article 33(2) and (3))

A water-based lacquer which contains

- (a) a polyurethane acrylate,

.../...

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/EP 00/06286

(Continuation of V.2)

(b) a melamine resin and

(c) a pigment

is described in item 4.1 on page 12 of D1.

The claimed coating substance differs from the water-based lacquer disclosed in D1 in that the claimed coating substance additionally contains a specific polyester.

The problem addressed by the present invention is to provide one-coat lacquers with good flow, gloss, finish coating conditions, hardness and chemical resistance. This problem is solved by the claimed composition.

A composition which contains the specific polyester of the claimed composition as an additional component is neither described nor suggested in D1; much less is there any hint that a lacquer with the desired properties can be obtained by adding this polyester. Nor does D2 disclose or suggest a polyester of this kind as a component of a coating substance.

The present invention is therefore novel and inventive in relation to D1 and D2.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/EP 00/06286

VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

(A) The production of the polyurethane acrylate is described in dependent Claim 10. A polyurethane resin is used as component B1 and an olefinically unsaturated monomer is used as component B2. These monomers need not necessarily contain an acrylate group. Consequently, the claimed method includes raw materials from which acrylate-free polyurethanes can be produced. Claim 10 is therefore inherently contradictory.

(B) It is not clear what is meant by "###-caprolactone" (page 22, line 29, page 23, line 6), "###-position carbon atom" (page 25, lines 5 - 6), "###,###-dimethylolalkanoic acids" (page 25, line 12), "###,###-diaminovalerianic acid" (page 25, line 18). Nor is it clear to what "m" and "R⁵" in line 30 on page 22 refer.

(C) The expression "and comparative tests" on page 53, line 14 is unclear, because the present application does not contain any comparative tests.